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22 *Lead Counsel for Plaintiff  
and the Putative Class*

23 UNITED STATES DISTRICT COURT  
24 NORTHERN DISTRICT OF CALIFORNIA

25 IN RE LUMINENT MORTGAGE CAPITAL,  
26 INC. SECURITIES LITIGATION

27 This Document Relates To:

28 ALL ACTIONS

29 C 07-04073 PJH

30 **STIPULATION AND [PROPOSED]  
31 ORDER APPROVING  
32 AMENDMENT TO STIPULATION  
33 OF SETTLEMENT**

34 The Hon. Phyllis J. Hamilton

35 This Stipulation is entered into by and among Lead Plaintiff The Southern Improvement  
36 Company, VSA, Inc. and Allen Dayton (collectively "Plaintiff"), and Defendants Luminent  
37 Mortgage Capital, Inc., S. Trezevant Moore, Jr., Christopher J. Zyda, and Gail P. Seneca  
38 (collectively "Defendants"), by and through their undersigned counsel.

1 WHEREAS, on January 20, 2009, the Court issued the Order Preliminarily Approving  
2 Settlement and Providing for Notice, which, *inter alia*, approved the terms of the Stipulation of  
3 Settlement dated as of September 10, 2008 (the “Settlement Agreement”), and

4 WHEREAS, pursuant to ¶ 35 of the Settlement Agreement, the Class Escrow Fund has  
5 been invested in United States Treasury Bills with maturities of six (6) months or less, which  
6 currently yield 0.04 percent, and mature on March 26, 2009, and

7 WHEREAS, the parties have agreed to amend the Settlement Agreement to authorize the  
8 Class Escrow Agent, Amalgamated Bank, to invest the Class Escrow Fund in FDIC-insured  
9 certificates of deposit pursuant to the "CDARs" program, with maturities of 26 weeks or less,  
10 which have a current yield of 2.0 percent,

11 IT IS HEREBY STIPULATED AND AGREED that ¶ 35 of the Settlement Agreement is  
12 amended as follows:

Dated: March 19, 2009

LOWEY DANNENBERG COHEN  
& HART, P.C.

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*Lead Counsel for Lead Plaintiff  
and the Settlement Class*

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Plaintiff's Local Counsel

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23 UNITED STATES DISTRICT COURT  
24 NORTHERN DISTRICT OF CALIFORNIA

25 IN RE LUMINENT MORTGAGE CAPITAL,  
26 INC. SECURITIES LITIGATION

27 This Document Relates To:

28 ALL ACTIONS

C 07-04073 PJH

CLASS ACTION

**AMENDMENT TO STIPULATION  
OF SETTLEMENT**

29 Lead Plaintiff and Defendants, by and through their undersigned counsel, agree to amend  
30 the Stipulation of Settlement dated as of September 10, 2008, as follows:

31 1. Paragraph 35 is amended as follows:

32 The Class Escrow Agent, at the direction and supervision of Lead  
33 Counsel, shall invest and, if and when necessary, reinvest the Class  
34 Escrow Fund in the following instruments: (a) United States  
35 Treasury Bills with maturities of six (6) months or less; and/or  
36 (b) FDIC-insured certificates of deposit pursuant to the "CDARs"  
37 program, with maturities of 26 weeks or less; and may keep a  
38 balance of one hundred thousand (\$100,000) or less in each of one  
39 or more federally insured bank(s).

1 Dated: March 19, 2009

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